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### **Analysis of Enrolled House Bill 4730**

**Topic:** Carbon Monoxide Detectors  
**Sponsor:** Representative Bieda  
**Co-Sponsors:** None  
**Committee:** House Regulatory Reform  
Senate Health Policy

**Date Introduced:** May 9, 2008

**Date Enrolled:** December 11, 2008

**Date of Analysis:** December 9, 2008

**Position:** The Department of Labor & Economic Growth supports the bill.

**Problem/Background:** It has been reported that carbon monoxide poisoning results in hundreds of deaths annually in the United States. Many more people become sick after exposure. In many instances, the source of the sickness may be undiagnosed, because carbon monoxide is colorless, odorless, and tasteless. Many sufferers may conclude that they had a case of the flu.

**Description of Bill:** The bill provides that beginning December 1, 2009 new buildings or structures intended for transient residential use must contain at least one operational carbon monoxide device at each source point. The device provided for in the bill may be battery-powered, plug-in with or without battery backup, wired into the dwellings power line with secondary battery backup, or connected to a system by means of a control panel. If the International Building Code contains a carbon monoxide detector requirement and is adopted by the Director, those requirements apply. *[Note: A carbon monoxide detector is not included in the proposed 2009 International Building Code.]*

A person who installs a device pursuant to manufacturer's published instructions would have no liability with respect to operation, maintenance, or effectiveness of the device. Likewise, an owner or operator of the residential occupancy who installs such a device would have no liability.

The requirement would take effect one year after enactment.

### **Summary of Arguments**

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**Pro:** The bill begins to deal with a serious problem that has cost the lives of many travelers. It focuses attention on a tragic accident involving a Michigan resident whose son died while they were staying at a hotel in Florida.

**Con:** The bill has been watered down to the point where it will have little effect. Carbon monoxide detectors would be required only in new facilities. It would not apply in thousands of existing facilities. Tragic accidents such as the one described in committee by the Leuters family would not be prevented.

*Response: The substitute is a compromise that satisfies the concerns of groups that opposed the original bill.*

### **Fiscal/Economic Impact**

(a) **Department:** There would be no fiscal impact on the department.

(b) **State:** There would be no fiscal impact on the state.

(c) **Local Government:** There would be a small impact on local government, because local governments provide most of the building code inspection services in the state.

**Other State Departments:** No other state departments have expressed interest in the bill.

**Any Other Pertinent Information:** The bill was introduced on behalf of the Leuters family, who lost a son while he and his father were on a vacation trip to Florida. The father prepared to take a shower, while his son reclined on the bed to read a book. A malfunctioning boiler near their room caused a build up of carbon monoxide gas in their room and killed the son. The father collapsed in the shower and would have also been killed if the hotel staff hadn't walked into the room as part of an evacuation effort.

The Michigan Association for Justice, Contractors Legislative Services, Kidde, Inc., and DTE Energy indicated support for the original bills. The Michigan Association of Realtors, the Michigan Hotel, Motel & Resort Association, and the Detroit Regional Chamber opposed the original bill.

**Administrative Rules Impact:** In the short run, there would be no administrative rules relating to this issue. However, if a future International Building Code includes a carbon monoxide detector requirement, the department would adopt that as part of its rulemaking.